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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,672

09/30/2003

Marcus Kellerman

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EXAMINER

SCHNURR, JOHN R

ART UNIT

PAPER NUMBER

2623

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,672	<b>Applicant(s)</b> KELLERMAN ET AL.	
	<b>Examiner</b> JOHN R. SCHNURR	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. This Office Action is in response to Application No. 10/674,672 filed 09/30/2003. Claims 1-29 are pending and have been examined.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1-29** are rejected under 35 U.S.C. 102(e) as being anticipated by **Novak (US Patent Application Publication 2002/0104099)**.

Consider **claim 1**, Novak clearly teaches a system for supporting multiple users of a communication device (**Fig. 1**), comprising:

a communication device communicatively coupled to a communication network; (**Fig. 3: STB 308 is coupled to the Internet 302, [0045].**)

media content disposed in the communication network or the communication device (**Media content can be stored in the STB, Fig. 1 [0032], or on the network, Fig. 3 [0047].**), the media content comprising broadcast media and personal media; (**The content maybe broadcast, [0027, or user created, [0062].**)

a software platform residing on the communication device (**[0077]**), the software platform receiving authentication information (**Fig. 11: Access to the synthetic channel can be password protected, [0084].**) and facilitating a display of a user-defined selection from the media content by the communication device (**Fig. 11: Block 114, [0085]**) in a user-defined layout (**Fig. 7: The user defines the layout of the display, [0063].**), the

software platform being adapted to communicate the media content to the communication network. **(Fig. 11: Media objects are uploaded to a server, [0078].)**

Consider **claim 2**, Novak clearly teaches the communication network comprises at least one of a third party media server, a media storage server, a broadband access headend, a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, a closed communication infrastructure, a local area network, and a wireless infrastructure. **([0045])**

Consider **claim 3**, Novak clearly teaches the communication network comprises an Internet. **(Fig. 3: Internet 302, [0045])**

Consider **claim 4**, Novak clearly teaches the communication device comprises at least one of a computer, a storage device, a media peripheral, set-top box circuitry, a television, a display, and a remote control. **(Fig. 3 STB 308)**

Consider **claim 5**, Novak clearly teaches the media content comprises at least one of third party media content, user-created media content, digital video, digital images, digital audio, documents, files, broadcast television programs, radio channels, news programming, sporting events programming, special programming, and on-demand movies. **([0039])**

Consider **claim 6**, Novak clearly teaches the software platform performs on the media content at least one of accessing, sending, constructing a user-defined layout of the media content, displaying, text overlaying, voice overlaying, channel naming, managing authorship rights, managing media rights, managing billing services, and integrating the user-defined selection into a user-defined layout. **([0077]-[0086])**

Consider **claim 7**, Novak clearly teaches the user-defined layout comprises a channel view layout. **(Fig. 8)**

Consider **claim 8**, Novak clearly teaches the software platform can process a plurality of user-defined selections from the media content. **(The user selects media to view, [0085].)**

Consider **claim 9**, Novak clearly teaches each user-defined selection corresponds to a user-specific authentication information. **(Only authorized users may access the media content, [0084].)**

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Consider **claim 10**, Novak clearly teaches the authentication information comprises at least one of a pin code, a voice key code, and a password. **([0084])**

Consider **claim 11**, Novak clearly teaches a second communication device communicatively coupled to the communication network, wherein the software platform communicates the user-defined selection in the user-defined layout to the second communication device. **(Fig. 11: A user uploads media objects organized into a synthetic channel to a server the server transfers the synthetic channel to a second communication device, [0077]-[0086].)**

Consider **claim 12**, see claim 1.

Consider **claim 13**, Novak clearly teaches the at least one processor sends the user-defined selection to the communication device for display in a user-defined layout. **(Content is uploaded to a server in a user-defined layout, [0078].)**

Consider **claim 14**, Novak clearly teaches the at least one processor determines whether to send the user-defined selection to a second communication device communicatively coupled to the communication network. **(Subscribed end users receive the EPG 153, [0080].)**

Consider **claim 15**, see claim 4.

Consider **claim 16**, Novak clearly teaches a system for supporting multiple users of a communication device, comprising:

a first display communicatively coupled to a first communication device;  
a second display communicatively coupled to a second communication device; **(Fig. 1: STB 152 is connected to TV 154, [0032]. Fig. 3: There are multiple STBs 308.)**

a communication network communicatively coupled to the first communication device and the second communication device; **(Fig. 3: All STBs 308 are communicatively coupled to the Internet 302, [0045].)**

media content disposed in at least one of the communication network, the first communication device and the second communication device; **(Media content can be stored in the STB, Fig. 1 [0032], or on the network, Fig. 3 [0047].)**

a software platform residing on the first communication device **([0077])**, the software platform receiving information relating to a user-defined selection from media content **(Fig. 11: Block 114, [0085])** and authorizing

the delivery of the user-defined selection (**Fig. 11: Access to the synthetic channel can be password protected, [0084].**) to at least one of the first display and the second display (**[0086]**), the user-defined selection being delivered in a user-defined layout. (**Fig. 7: The user defines the layout of the display, [0063].**)

Consider **claim 17**, see claim 2.

Consider **claim 18**, see claim 7.

Consider **claim 19**, see claim 4.

Consider **claim 20**, see claim 5.

Consider **claim 21**, see claim 6.

Consider **claim 22**, see claim 11.

Consider **claim 23**, see claim 13.

Consider **claim 24**, see claim 7.

Consider **claim 25**, see claim 8.

Consider **claim 26**, see claim 9.

Consider **claim 27**, Novak clearly teaches the limitations in common with claims 1, 12 and 16. Further it is inherent in Novak that a second password maybe entered to access a second media content.

Consider **claim 28**, see claim 11.

Consider **claim 29**, see claim 13.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on Monday - Friday, 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS

/Christopher Grant/  
Supervisory Patent Examiner, Art Unit 2623